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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,108	01/17/2002	Robin E. O'Brien	540-322	6166

7590 08/06/2002

NIXON & VANDERHYE P.C.
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1100 North Glebe Road
Arlington, VA 22201-4714

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 08/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10/052,108	1-17-02	O'Brien	
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DATE MAILED: 8-6-02

SECRECY ORDER

35 U.S.C. §§181-188

and

Permit for Disclosing Classified or "Classifiable" Subject Matter

The above-identified patent application contains subject matter which is either **classified** or **"classifiable"**¹ in the opinion of the sponsoring defense agency.

☒ This application is **CLASSIFIED** at the level of: ☐ TOP SECRET

☐ This application is NOT CLASSIFIED,
but would be **CLASSIFIABLE** at the level of: ☐ SECRET

☒ CONFIDENTIAL AGENCY

ALL PRINCIPALS² IN THIS APPLICATION ARE ORDERED TO KEEP THE SUBJECT MATTER THEREOF IN SECRECY UNDER 35 U.S.C. §181.

The subject matter of this application may not be published or disclosed to any person except as specifically authorized herein or subsequently authorized by written modification of this Secrecy Order granted by the Commissioner of Patents & Trademarks (see 37 CFR §5.5).

¹ The term "classifiable" as used herein refers to subject matter that is not actually classified but is sufficiently sensitive, in the opinion of the sponsoring defense agency named herein, to have been classified under E.O. 12356 if the subject matter were known to be owned by or under control of the U.S. government.

² "Principals" include all patent applicants, their heirs, assignees, licensees and their attorneys and agents.

Unauthorized publication or disclosure of the subject matter of this patent application may result in abandonment of the application (35 U.S.C. §182) and additionally subject the person publishing or disclosing the subject matter to the penalties of 35 U.S.C. §186.

The subject matter of this application must be safeguarded under conditions that will provide adequate protection and prevent access by unauthorized persons. When copies of the subject matter are no longer needed, they should be destroyed by a method that will prevent disclosure of the contents or reconstruction of the document.

Any other patent application already or hereafter filed in the U.S. or any foreign country which contains any significant part of the subject matter of the above-identified patent application also falls within the scope of this Order. If such other patent application is not currently under a Secrecy Order imposed by the U.S. Patent and Trademark Office, it and the common subject matter must be brought to the immediate attention of:

Director, Special Laws Administration
Attention: Licensing and Review
U.S. Patent and Trademark Office
Washington, D.C. 20231.

This Order should not be construed in any way to mean that the U.S. Government has adopted or contemplates adoption of the invention disclosed in this application and it is not any indication of the value of such invention. Additionally, this Order is not authority in and of itself for classification of the subject matter of this patent application.

This secrecy order has been recommended under 35 U.S.C. §181 to the Commissioner of Patents & Trademarks by the following sponsoring defense agency:

☒ ARMY

☐ NAVY

☐ AIR FORCE

Questions regarding the reasons for imposing this Secrecy Order should be directed to the sponsoring defense agency. A contact for each defense agency is attached. Questions regarding the substantive examination of the patent application should be directed to the patent examiner, and questions pertaining to the administrative handling of the patent application or the Secrecy Order should be directed to the Licensing and Review Branch of the Patent & Trademark Office.

Permit for Disclosing Classified or "Classifiable" Information

A. If the subject matter of this application is classified:

Disclosure of the subject matter of this application is authorized to persons with the appropriate personnel security clearance on a "need-to-know" basis under the provisions of Executive Orders 10865 and 12356 and the "Industrial Security Manual for Safeguarding

Classified Information" provided the authorized person to whom the subject matter is disclosed is furnished with a copy of this Secrecy Order and informed that this Order is applicable to the subject matter disclosed.

Any declassification, in whole or in part, of the subject matter of this application does not modify this Secrecy Order. The requirements of this Secrecy Order remain in effect until it is rescinded or modified in writing by the Commissioner of Patents & Trademarks. If the subject matter is declassified, this fact should be brought to the attention of the sponsoring defense agency.

B. If the subject matter of this application is "classifiable" but not classified:

Principals to this Secrecy Order employed at a facility which has a current DoD Security Agreement (DoD Form 441) are authorized to disclose on a "need-to-know" basis the subject matter of this patent application to other persons at that facility having a personnel security clearance at least as high as the level of protection specified on page 1 of this Secrecy Order provided the provisions of the "Industrial Security Manual for Safeguarding Classified Information" (DoD 5220.22-M) are complied with³ and the authorized person to whom the subject matter is disclosed is furnished with a copy of this Secrecy Order and informed that this Secrecy Order is applicable to the subject matter disclosed.

Principals employed at a facility that does not have a current DoD Security Agreement must obtain prior written modification of this Secrecy Order from the Commissioner of Patents & Trademarks for any further disclosure of the subject matter of this application to any person. See 37 CFR §5.5.

This permit for disclosing classified or "classifiable" information does not authorize disclosure of the subject matter of the patent application through (1) the filing of any foreign application without specific permission of the Patent and Trademark Office, or (2) the export of any item, commodity or technical data without the required export license.


Michael Carone,
Licensing & Review Administrator
U.S. Patent & Trademark Office

³ Since the subject matter covered by this Secrecy Order is not actually classified, certain provisions of the Industrial Security Manual (ISM) may not strictly apply, such as derivative classification, downgrading/declassification instructions, and portion and page markings. Facilities encountering problems complying with any provisions of the ISM should directly query the defense agency sponsoring this Secrecy Order for appropriate security guidance.



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PERMIT

(Title 35, United States Code (1952), Sections 181-188)

This order of secrecy in the above application is modified to permit: disclosure to such extent as may be duly authorized under any order issued by the United Kingdom patent office restricting disclosure of the subject matter.

This modifying permit may be revoked in whole or in part by appropriate notice. Where disclosure to individuals, as such, is authorized such individuals must be informed of the secrecy and the penalties for unauthorized disclosure. Any disclosure herein authorized is subject to: The prohibitions of any classified government contract, the consent of the owner of the subject matter, and the safeguarding of the invention against publication or unauthorized disclosure in this country or elsewhere by all reasonable and due precautions including abandonment of foreign applications when necessary.


Director, Special Laws Administration

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